

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARILYN WEATHERLY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

Case No. C11-368-RSM-JPD

REPORT AND RECOMMENDATION

Based on the defendant's motion to remand, which is unopposed by the plaintiff, it is hereby ORDERED that the above-captioned case is REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) because the recording of the hearing held on February 6, 2007, by the administrative law judge ("ALJ") cannot be located. Dkt. 11. Specifically, the Appeals Council shall remand the matter to an ALJ who shall afford plaintiff a de novo hearing. This Court shall retain jurisdiction over this action pending further administrative development of the record pursuant to 42 U.S.C. § 405(g). If the outcome is still unfavorable to plaintiff, she may seek judicial review by reinstating this case rather than by filing a new complaint.

A proposed order accompanies this Report and Recommendation.

DATED this 26th day of April, 2011.



JAMES P. DONOHUE
United States Magistrate Judge